

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

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SO. DIST. OF GA.

UNITED STATES OF AMERICA

v.

ANTONIO SMILEY

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CR 312-003-5

O R D E R

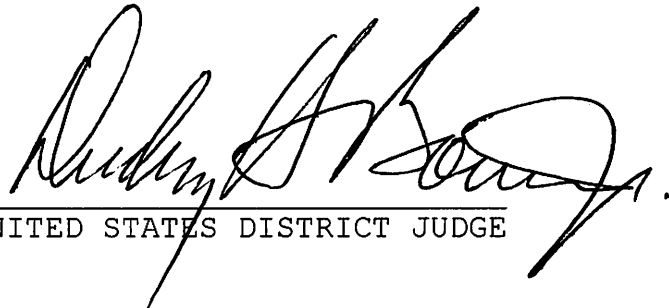
On April 28, 2020, this Court denied Defendant Antonio Smiley's motion for compassionate release under 18 U.S.C. § 3582(c). (Doc. No. 942.) At present, Defendant has filed another motion for compassionate release, this time alleging that he has diabetes without submitting medical evidence.¹ The Government, however, has submitted Defendant's medical records indicating that he does not suffer from diabetes. (See generally Gov't Resp. in Opp'n, Doc. No. 944, Exs. A & B; Ex. A, at 1 (indicating that Defendant is *pre-diabetic*).) In short, Defendant bears the burden of establishing that he is uniquely positioned to be so adversely

¹ The Court notes that Defendant still has not proven that he has exhausted his administrative remedies. Instead, it appears that he requested to be released to home confinement under the CARES Act, which is a different process than a reduction in sentence ("RIS") request based upon compassionate release.

affected by COVID-19 that his release is warranted. He has not done so.

Upon the foregoing, Defendant Antonio Smiley's motion for compassionate release (doc. no. 943) is hereby **DENIED**.

ORDER ENTERED at Augusta, Georgia, this 21st day of July, 2020.


UNITED STATES DISTRICT JUDGE